

Superseded 5/10/2016

63G-3-402 Division of Administrative Rules -- Duties generally.

- (1) The Division of Administrative Rules shall:
 - (a) establish all filing, publication, and hearing procedures necessary to make rules under this chapter;
 - (b) record in a register the receipt of all agency rules, rule analysis forms, and notices of effective dates;
 - (c) make the register, copies of all proposed rules, and rulemaking documents available for public inspection;
 - (d) publish all proposed rules, rule analyses, notices of effective dates, and review notices in the bulletin at least monthly, except that the division may publish the complete text of any proposed rule that the director determines is too long to print or too expensive to publish by reference to the text maintained by the division;
 - (e) compile, format, number, and index all effective rules in an administrative code, and periodically publish that code and supplements or revisions to it;
 - (f) publish a digest of all rules and notices contained in the most recent bulletin;
 - (g) publish at least annually an index of all changes to the administrative code and the effective date of each change;
 - (h) print, or contract to print, all rulemaking publications the division determines necessary to implement this chapter;
 - (i) distribute without charge the bulletin and administrative code to state-designated repositories, the Administrative Rules Review Committee, the Office of Legislative Research and General Counsel, and the two houses of the Legislature;
 - (j) distribute without charge the digest and index to state legislators, agencies, political subdivisions on request, and the Office of Legislative Research and General Counsel;
 - (k) distribute, at prices covering publication costs, all paper rulemaking publications to all other requesting persons and agencies;
 - (l) provide agencies assistance in rulemaking;
 - (m) if the Department of Administrative Services operates the division as an internal service fund agency in accordance with Section 63A-1-109.5, submit to the Rate Committee established in Section 63A-1-114:
 - (i) the proposed rate and fee schedule as required by Section 63A-1-114; and
 - (ii) other information or analysis requested by the Rate Committee; and
 - (n) administer this chapter and require state agencies to comply with filing, publication, and hearing procedures.
- (2) The division may after notifying the agency make nonsubstantive changes to rules filed with the division or published in the bulletin or code by:
 - (a) implementing a uniform system of formatting, punctuation, capitalization, organization, numbering, and wording;
 - (b) correcting obvious errors and inconsistencies in punctuation, capitalization, numbering, referencing, and wording;
 - (c) changing a catchline to more accurately reflect the substance of each section, part, rule, or title;
 - (d) updating or correcting annotations associated with a section, part, rule, or title; and
 - (e) merging or determining priority of any amendment, enactment, or repeal to the same rule or section made effective by an agency.
- (3) In addition, the division may make the following nonsubstantive changes with the concurrence of the agency:

- (a) eliminate duplication within rules;
 - (b) eliminate obsolete and redundant words; and
 - (c) correcting defective or inconsistent section and paragraph structure in arrangement of the subject matter of rules.
- (4) For nonsubstantive changes made in accordance with Subsection (2) or (3) after publication of the rule in the bulletin, the division shall publish a list of nonsubstantive changes in the bulletin. For each nonsubstantive change, the list shall include:
- (a) the affected code citation;
 - (b) a brief description of the change; and
 - (c) the date the change was made.
- (5) All funds appropriated or collected for publishing the division's publications shall be nonlapsing.